

CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 12/17/02

AGENDA ITEM 5

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Soto Road Bicycle Lane: Approval of Plans and Specifications, Call for Bids, Approval of Negative Declaration, and Authorization for Eminent Domain Proceedings

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolutions that:

1. Approve the negative declaration for the project;
2. Approve the plans and specifications for the Soto Road Bicycle Lane Project, and calls for bids to be received January 28, 2003; and
3. Approves the necessity and authorizes the institution of eminent domain proceedings for the required acquisition from the remaining property owner needed to complete the project.

DISCUSSION:

On December 15, 1998, the Council authorized submission of a grant application for this project under the State Bicycle Lane Account. The application was approved in July 1999. Timing of this project had been delayed, so that construction would start after the re-opening of Harder Road.

The project will construct curb, gutter, and sidewalk along the west side of Soto Road, between Ambrose Court and the Greenway Belt near Culp Avenue. Where sufficient right-of-way does not already exist, a nine-foot-wide acquisition has been necessary to provide sufficient width for a sidewalk, parking, a bicycle lane, and a 12-foot-wide traffic lane in each direction. Between Winton Avenue and Culp Avenue, a bicycle lane will be signed and striped, since the new roadway will be wide enough to provide actual bicycle lanes.

Only bicycle route signs will be posted between the Greenbelt and Harder Road. The City recently received a Transportation for Clean Air grant for the design and construction of a follow up project to construct the southern portion of this bicycle route as a bicycle lane. This work should occur in the summer of 2004 after necessary right-of-way acquisition and design is completed.

Staff had previously discussed this bicycle lane project at a public meeting in September 1999 that addressed several Orchard/Soto area projects. One question, which was unresolved at that time, was the status of the large Black Walnut tree near the intersection of Soto Road and Berry Avenue. Staff has received several calls about the impact of this tree on safety for drivers going eastbound on Berry Avenue. There was also some concern about the potential removal of this tree. The tree is actually located in the existing street right of way, and it does affect visibility of southbound traffic on Soto. However, staff did review options with the property owner for preserving the tree at 25185 Soto Road. As noted below, these discussions were not successful, although the owner did indicate he wanted the tree removed. On that basis, the plans call for the tree to be removed; a letter explaining the decision was mailed to everyone who attended the previous meeting.

As noted above, acquisition of a nine-foot-wide right-of-way strip from several parcels was necessary for the project to proceed. An offer in writing, based on fair-market value appraisal of the properties being acquired, has been made to each of the property owners, and the owners have received a written summary statement of the basis for the amount established as just compensation, as required by State law.

Of the original seven properties affected, one acquisition remains to be completed. This acquisition is a nine-foot-wide portion of the whole property (see Exhibit B for parcel location and Exhibit C for parcel data). There have been meetings, correspondence, plan revisions, and phone conversations with the owner; however, one impasse has developed in the acquisition process. For 25185 Soto Road, the City and the property owner have been unable to agree on the scope of the acquisition and the fair-market value of the property.

Because State funding is involved in this project, the City has to meet the State's requirements. Without immediate acquisition of this property, the City will surpass the State's designated deadline for completion of the project and will have to request a further extension in order to preserve \$202,500 of grant funding. The bid opening for this project is scheduled for January 28, 2003. Thus, in order to meet our advertising schedule, it is now necessary to have City ownership or possession of this parcel settled. Although staff recommends the use of the eminent domain process to secure possession of the remaining necessary property, staff will continue to pursue all opportunities to negotiate with the owner, or his representative, if possible.

A two-thirds vote of the City Council is required to approve this action, pursuant to the Code of Civil Procedure. While public testimony is not restricted at the hearing, only the following items are required to be considered by Council:

1. Public interest and necessity require the proposed project;
2. The proposed project is planned or located in a manner that will be most compatible with the greatest public good and least private injury;
3. The real property identified on Exhibit C is necessary for this project; and
4. The offer required by the Government Code has been made to the owner of record.

A Notice of Hearing has been sent to the property owner informing him of the hearing date, in the manner required by State Law.

The attached Initial Study and Negative Declaration have been prepared for the project in conformance with the California Environmental Quality Act (CEQA) guidelines (see Exhibit D). Approval of the Negative Declaration is recommended, based on the findings of the Initial Study that there is no substantial evidence that the project will have a significant effect on the environment. No public comments were received.

Staff has established a combined goal of 8 percent for Disadvantaged Business Enterprises (DBE) and Women Business Enterprises (WBE) participation for this project. The project goal was established through an evaluation of available subcontracting opportunities for this project and an analysis as to which portion of the subcontracting would be reasonable to set aside for DBE and WBE requirements.

PROJECT COSTS:

Contract Construction:	147,000
City Labor and Materials, Utilities	15,000
Right-Of-Way	84,000
Design and Administration	48,000
Inspection and Testing	14,000
TOTAL	<u>\$ 308,000</u>

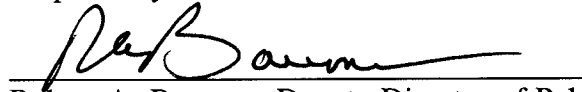
FUNDING:

The 2002-03 Capital Improvement Program includes a total of \$277,000 in the Capital Improvement Fund for this project. A total of \$202,500 will be reimbursed from the State Bicycle Lane Account. The right-of-way acquisition has been a lengthy process, delaying the project for two-plus years, which has increased the estimated costs. After bids are received, an additional appropriation will be requested, if necessary.

SCHEDULE:


Advertise for Bids	December 10, 2002
Receive Bids	January 28, 2003
Award Contract	February 25, 2003
Begin Construction	March 24, 2003
End Construction	October 9, 2003

Prepared by:



Robert A. Bauman, Deputy Director of Public Works

Recommended by:

For 
Dennis L. Butler, Director of Public Works

Approved by:



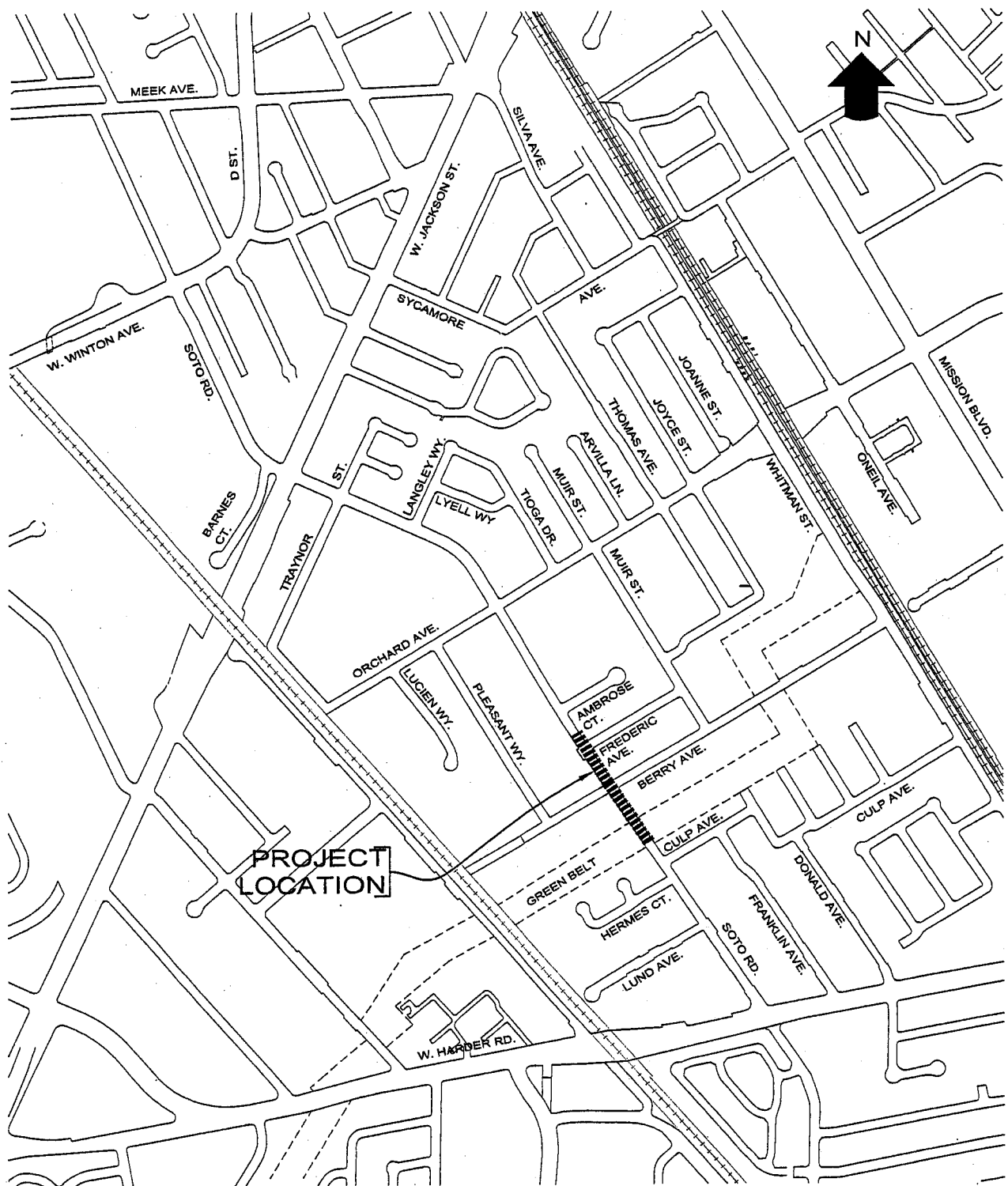
Jesús Armas, City Manager

Attachments: Exhibit A: Project Location Map

Exhibit B: Parcel Remaining to be Acquired Location Map

Exhibit C: Parcel Data

Exhibit D: Initial Study and Negative Declaration



**SOTO ROAD IMPROVEMENTS FOR BICYCLE LANE
AMBROSE COURT TO GREENWAY BELT NEAR CULP AVENUE
LOCATION MAP**



**SOTO ROAD IMPROVEMENTS FOR BICYCLE LANE
PARCEL REMAINING TO BE ACQUIRED
LOCATION MAP**

Exhibit B

**SOTO ROAD IMPROVEMENTS FOR BICYCLE LANE BETWEEN AMBROSE COURT AND GREENWAY BELT
PARCEL REMAINING TO BE ACQUIRED**

Owner	Site Address	APN:	Portion of Parcels to be Acquired in Free (S.F.)	Improvements and Damages	Appraised Value
1. Koshmieder	25185 Soto Road	444-48-59(por)	1,187 ±	Land Driveway Bushes TOTAL	\$ 13,000 432.00 32.00 \$ 13,464.00

INITIAL STUDY CHECKLIST FORM

Project title Soto Road Bike Lane

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact persons and phone number: Luis Samayoa, (510) 583-4769

Project location: Soto Road from Frederic Avenue to the Greenway Belt near Culp Avenue.

Project sponsor's name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541

General plan designation: Low Density Residential on Soto Road.

Zoning: Single Family Residential on Soto Road between Frederic Avenue and the Greenway Belt near Culp Avenue

Description of project: Street improvements including curbs, gutters, sidewalks, wheelchair ramps and bike lane striping on Soto Road between Frederic Avenue and the Greenway Belt near Culp Avenue.

Surrounding land uses and setting: Along Soto Road between Frederic Avenue and the Greenway Belt near Culp Avenue are single-family residences; at the northwest corner of Soto Road and Orchard Avenue is an elementary school; at the southwest corner of Soto Road and Orchard Avenue are single-family residences; on the northerly corners of the Soto Road and Jackson Street are two small shopping centers; at the southwest corner of Soto Road and Jackson Street is a car wash; at the southeast corner of Soto Road and Jackson Street is a car lube establishment.

Other public agencies whose approval is required: None required

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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- | | | |
|--|---|--|
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy and Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Water | <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Mandatory Findings
of Significance | | |

ENVIRONMENTAL IMPACTS:

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. *Would the proposal:*

- a) Conflict with general plan designation or zoning?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project complies with the current Bicycle Master Plan. Concerns regarding bicycle use were raised during the development of the Jackson Triangle Neighborhood Plan. Existing conditions which discourage bicycle riding were identified by the task force and incorporated into policies and strategies as follows:

Policy 6: Traffic congestion, speeding, cut-through traffic and safety are major concerns for Jackson Triangle residents. Soto Road functions as an arterial but remains largely unimproved, creating conflicts between vehicles, pedestrians and bicycle riders who share the roadway.

Strategy: Fully improve Soto Road as an arterial in recognition that Soto Road serves cross-town traffic; provide for sidewalks, two travel lanes, bicycle lanes and on-street parking.

Policy 7: Enhance safety for residents by improving pedestrian walkways and bikeways.

Strategy: Install curbs, gutters, sidewalks and bicycle lanes on Soto Road when improved to improve safety.

Policy 8: Encourage Improvements in public transportation to better serve the neighborhood.

Strategy: Install sidewalks enabling better access to bus stops.

This project addresses these concerns expressed on the Jackson Triangle Neighborhood Plan.

- b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- c) Be incompatible with existing land use in the vicinity?

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- d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. POPULATION AND HOUSING. *Would the proposal:*

- a) Cumulatively exceed official regional or local population projections?
- b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?
- c) Displace existing housing, especially affordable housing?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*

- a) Fault rupture?
- b) Seismic ground shaking?
- c) Seismic ground failure, including liquefaction?
- d) Seiche, tsunami, or volcanic hazard?
- e) Landslides or mudflows?
- f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?
- g) Subsidence of land?
- h) Expansive soils?
- i) Unique geologic or physical features?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. WATER. *Would the proposal result in:*

- a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Exposure of people or property to water related hazards such as flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. AIR QUALITY. *Would the proposal:*

a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

TRANSPORTATION/CIRCULATION. *Would the proposal result in:*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Increased vehicle trips or traffic congestion? <i>Comment: The proposed curb and gutter on Soto Road will improve bicycle riding circulation. The proposed sidewalks on Soto Road will improve pedestrian circulation.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Insufficient parking capacity onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. BIOLOGICAL RESOURCES. *Would the proposal result in impacts to*

a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Wetland habitat (e.g., marsh, riparian, and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. ENERGY AND MINERAL RESOURCES. *Would the proposal:*

a) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use nonrenewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HAZARDS. *Would the proposal involve:*

a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Possible interference with an emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) The creation of any health hazard or potential health hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Exposure of people to existing sources of potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. NOISE. *Would the proposal result in:*

a) Increases in existing noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI. PUBLIC SERVICES. *Would the proposal have an effect upon or result in a need for new or altered government services in any of the following areas:*

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other government services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. UTILITIES AND SERVICE SYSTEMS. *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities?*

a) Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Local or regional water treatment or distribution facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Local or regional water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. AESTHETICS. *Would the proposal?*

a) Affect a scenic vista or scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a demonstrable negative aesthetic effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Create light or glare?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. CULTURAL RESOURCES. *Would the proposal:*

a) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Disturb archaeological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have the potential to cause a physical change which would affect unique cultural values?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION. *Would the proposal:*

a) Increase the demand for neighborhood or regional parks or other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Affect existing recreational opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a

rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVII. EARLIER ANALYSES.

- a) Earlier analyses used.
- b) Impacts adequately addressed.
- c) Mitigation measures.

K:\HOME\Luiss\My Projects\6923 SOTO ROAD BIKE LANE\INITIAL STUDY Soto Road Bike Lane.doc

NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. *PROJECT DESCRIPTION:*

Street improvements including curbs, gutters, sidewalks, wheelchair ramps and bike lane striping on Soto Road between Culp Avenue and Harder Road.

II. *FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:*

That the proposed project will have no substantial effect on the area's resources, cumulative or otherwise.

III. *FINDINGS SUPPORTING DECLARATION:*

The curb and gutter will be installed to provide for a dedicated bike lane. The proposed sidewalks on Soto Road will improve pedestrian circulation.

IV. *PERSON WHO PREPARED INITIAL STUDY:*

Luis A. Samayoa, Assistant Civil Engineer
Name/Title

October 24, 2002
Date

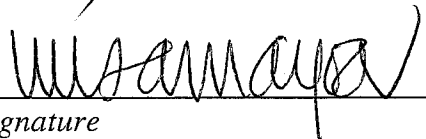
V. *COPY OF INITIAL STUDY IS ATTACHED*

For additional information, please contact the City of Hayward, 777 "B" Street, Hayward, California 94541-5007 or telephone the City Clerk at (510)583-4400.

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.



Signature

October 24, 2002

Date

Luis Samayoa

Printed name

City of Hayward

For

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING THE NEGATIVE DECLARATION
AND THE PLANS AND SPECIFICATIONS FOR THE SOTO
ROAD BICYCLE LANE IMPROVEMENTS, PROJECT NO. 6923,
BETWEEN AMBROSE COURT AND GREENWAY BELT NEAR
CULP AVENUE, AND CALL FOR BIDS

WHEREAS, an Initial Study and Negative Declaration have been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the Initial Study upon which the Negative Declaration for the Soto Road Bicycle Lane Improvements, Project No. 6923, between Ambrose Court and Greenway Belt near Culp Avenue is based, certifies that the Negative Declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the Negative Declaration reflects the independent judgment of the City of Hayward.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward as follows:

1. That based on the findings noted above, the negative declaration for the Soto Road Bicycle Lane Improvements, Project No. 6923, between Ambrose Court and Greenway Belt near Culp Avenue is hereby approved; and
2. That those certain plans and specifications for the Soto Road Bicycle Lane Improvements, Project No. 6923, between Ambrose Court and Greenway Belt near Culp Avenue, on file in the office of the City Clerk, are hereby adopted as the plans and specifications for the project; and
3. That the City Clerk is hereby directed to cause a notice calling for bids for the required work and material to be made in the form and manner provided by law; and
4. That sealed bids therefor will be received by the City Clerk's office at City Hall, 777 B Street, Hayward, California 94541-5007, up to the hour of 2:00 p.m. on Tuesday, January 28, 2003, and immediately thereafter publicly

opened and declared by the City Clerk in the Public Works Conference Room, City Hall, 4th Floor, Hayward, California; and

5. That the City Council will consider a report on the bids at a regular meeting following the aforesaid opening and declaration of same.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT
HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION FINDING AND DECLARING A PUBLIC
NEED AND AUTHORIZING THE ACQUISITION AND
IMMEDIATE POSSESSION BY EMINENT DOMAIN
PROCEEDINGS OR OTHERWISE AS TO CERTAIN REAL
PROPERTY LOCATED AT 25185 SOTO ROAD**

WHEREAS, prior to consideration of adoption of this resolution, City staff has negotiated with, the owner of the real property located at 25185 Soto Road, Hayward, California, more particularly described in Exhibit A to this Resolution, regarding City acquisition of such property for the Soto Road Bicycle Lane Improvements Project, Project No. 6923; and

WHEREAS, the City has complied with all of the provisions of section 1245.235 of the Code of Civil Procedure of the State of California, including a public hearing held on December 17, 2002 on the matters referred to in section 1240.030 of said code, and prior notice of such hearing to the owner of the subject property, as required by said section 1245.235; and

WHEREAS, the City of Hayward is authorized by the Constitution and statutes of the State of California, including, but not limited to, Government Code sections 37350.5 and 37353, to acquire real property by eminent domain and otherwise.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that it has reviewed the Initial Study and adopts the Negative Declaration as reflecting the independent judgment of the City of Hayward and having been prepared in accordance with CEQA requirements and that it further finds, determines, and declares as follows:

1. That the public interest and necessity require the proposed project;
2. That proposed project is planned or located in a manner that will be most compatible with the greatest public good and least private injury;
3. A portion of the real property shown on Exhibit B is necessary for this project;
and

4. The offer required by the Government Code has been made to the owners of record.

BE IT FURTHER RESOLVED by the City Council that the City of Hayward carry out said project and acquire the necessary portion of the real property; that the City Attorney is hereby authorized and directed to take any and all actions necessary or convenient on behalf of the City of Hayward to acquire immediate possession of and title to the real property by eminent domain proceedings or otherwise.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS;

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT "A"

25185 SOTO ROAD
APN: 444-48-(59)(por)
Soto Rd. Bike Lane Proj. 6923


ALL THAT REAL PROPERTY situated in the City of Hayward, County of Alameda, State of California, described as follows:

PORTION of Plot 15-C, as said plot is shown on the map of Meek Soto Tract, filed October 18, 1905, in Book 28 of Maps, Page 81, in the office of the County Recorder of Alameda County.

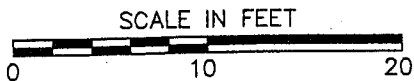
Commencing at a point on the center line of Soto Road distant thereon North 34 40" West 116.60 feet from the intersection of the centerline of Berry Avenue, said point being at the intersection of the northwesterly line and the northeasterly line of that certain parcel conveyed from Alonzo Franco and Mary Franco, his wife to Reinhold Koshmieder, Jr., and Sherry Ann Koshmieder, his wife as joint tenants by Grant Deed dated April 25, 1975 and recorded April 29, 1975, in Reel 3948, image 641 of Official Records of Alameda County under Recorder's series number 75-055643; thence along said northwesterly line South 57 55' East 25.025 feet to the southwesterly line of said Soto Road, said point being the TRUE POINT OF BEGINNING; thence continuing along said northerly line of said parcel South 57 55' West 6.01 feet to the intersection with a line drawn parallel with and distant southwesterly 34.00 feet, measured at right angles, from the centerline of Soto Road; thence along said parallel line South 34 40' East 66.49 to a tangent curve to the right; thence along said tangent curve to the right having a radius of 24.00 feet, through a central angle of 92 35'00" a distance of 38.78 feet to a point on the northerly line of Berry Avenue; thence along said northerly line of Berry Avenue being parallel with and 25.00 feet distant, measured at right angles from the centerline of Berry Avenue, North 57 55" East 34.12 feet to the intersection with the westerly line of Soto Road; thence along said westerly line of Soto Road, being parrallel with and 25.00 feet distant from, measured at right angles, the centerline of Soto Road North 34 40 West 91.60 feet to the True Point of Beginning.

CONTAINING 962 square feet, more or less, in addition to that portion presently lying within Soto Road as shown on the attached plat marked Exhibit "B" and made a part hereof.

May 2, 2001


NORMAN PAYNE
L.S. No. 4388
License Expires 09/30/01





LINDA & ALBERT WILLIAMS
N57°55'00"E

AREA = 1187 SQ. FT. +/-

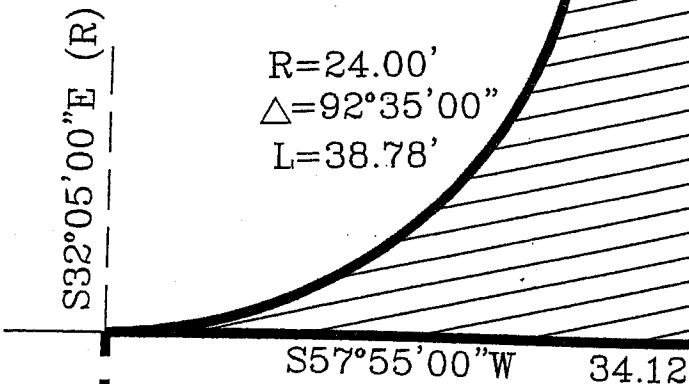
REINHOLD and SHERRY
KOSHMIEDER
75-055643



Norman Payne
NORMAN PAYNE

L.S. 4388

LICENSE EXPIRES 9/31/01



25.00' BERRY AVENUE

P.O.B.

SOTO ROAD
(CO. RD. NO. 6159)

EXHIBIT "B"

			CITY OF HAYWARD ENGINEERING DIVISION		RIGHT OF WAY WIDENING 25185 SOTO ROAD BIKE LANE PROJ. 6923 APN: 444-48-(59) (POR)		DWG. NO. 00028
			DRAWN BY: JNP	DATE: 5/08/01			FILED
			CHECKED BY: JNP	SCALE: 1"=10'			
			APPD. BY	APPROVED			
REV	DATE	BY	CITY ENGINEER	DIR. PUBLIC WORKS			SHT. 1 OF 1